

THE EUROPEAN COMMISSION PRESENTED THE SECOND REPORT ON THE FUNCTIONING OF THE SCHENGEN AREA

BUCHAREST, DECEMBER 6, 2012

At the Justice and Home Affairs Council of 6 December 2012, the European Commission presented the second Report on the functioning of the Schengen Area between 1 May and 31 October 2012. The report reviews the main problems in the Schengen Area, the purpose of the document being to help identify the best solutions to solve those problems.

The Commission set a distinct item for the matter of lifting controls on the internal borders with Romania and Bulgaria, where the Conclusions of the JHA Council of June 2011 are mentioned, which acknowledged implementation by the two candidates of the accession criteria stipulated in the Schengen acquis and the Conclusions of the European Council of March 2012, whereby identification and implementation of accompanying measures was requested, such as would contribute to the two states' successful accession.

Inclusion of Romania and Bulgaria in the European Commission's report on monitoring the Schengen Area is a natural aspect since the two countries are already applying, in part, the Schengen acquis and all assessment missions have been concluded. It is not for the first time that the two countries are included in these reports, Romania and Bulgaria featuring also in the Commission's first report, released on 16 May 2012, which assessed the state of play in the Schengen Area between 1 November 2011 and 30 April 2012.

Moreover, it is normal to see Romania mentioned in the European Commission's Report because the accompanying measures were taken precisely to the end of building confidence in Romania as a future Schengen state. These measures were rolled out with FRONTEX, the European Agency for the Management of Operational Cooperation at the External Borders, which actually means that Romania acts as a member state of the Schengen Area.

The position of the Commission remains constant, that is in favour of Romania's and Bulgaria's accession to the Schengen Area as soon as possible.

Commissioner C. Malmstrom stated that "there are no new conditions and the Commission reiterates that Romania and Bulgaria fulfil all criteria and wishes to see the two countries join the Schengen Area as soon as possible."

The monitoring the Commission's report refers to is regarded as being general monitoring of the accession process and not monitoring of the accompanying measures, which Romania has already completed. At the JHA Council meeting today, 6 December 2012, full implementation of the accompanying measures which Romania and Bulgaria assumed on a voluntary basis was officially certified in the minutes of the Council, following the statement by the Cyprus Presidency. It does not introduce any new conditions.

The issue of approving the decision on Romania's and Bulgaria's accession does not appear as such on the agenda of the JHA Council meeting, since the positions of certain member states waiting for release of the CVM report are maintained.

As far as obtaining a new perspective on accession to Schengen is concerned, i.e. for March 2013, the best framework is the European Council in December 2012, measures in this respect having already been taken at governmental level, at today's JHA Council meeting as well. Indeed, confirmation of Romania and Bulgaria having completed the accompanying measures decided upon at the European Council in March should come at the same level, that is, on the occasion of the European Council in December 2012.

In the context of the 6 December JHA Council, the issue of Romania's and Bulgaria's accession to Schengen has also been addressed at the ministerial meeting of the countries of the Salzburg Forum, which renewed their support for this goal to be attained in the ensuing period.

The head of the Romanian delegation reiterated that the Romanians expect a favourable decision on joining Schengen, at the first JHA Council meeting under the Irish Presidency.